

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARGARET T. BROOKS,

Plaintiff,

v.

SEATTLE HOUSING AUTHORITY,

Defendant.

CASE NO. C 12-0878-JCC

ORDER GRANTING MOTION FOR  
SUMMARY JUDGMENT ON  
PUNITIVE DAMAGES

This matter comes before the Court on Defendant's motion for partial summary judgment. (Dkt. No. 34.) Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

**I. BACKGROUND**

For approximately twenty-three years, Plaintiff Margaret Brooks has resided at Olympic Place Apartments, owned and operated by the Defendant. (Dkt. No. 21 at 2.) Plaintiff states that she is a "64 year old African-America mixed Cherokee Indian" who suffers from a number of ailments, leaving her disabled. (*Id.*) Plaintiff filed a complaint against the Seattle Housing Authority ("SHA") alleging that the SHA discriminated against her, because of her race and disability, in violation of the Fair Housing Act (FHA) and the Americans with Disability Act (ADA). (*Id.* at 1.) This intentional discrimination, Plaintiff alleges, has "lead to her declining health including aggravating her blindness and other health issues." (*Id.* at 4.) Plaintiff seeks,

1 *inter alia*, punitive damages against SHA “because of the intentional and willful nature of the  
2 SHA’s conduct.” (*Id.*)

3 SHA moves to dismiss the punitive damages claim, arguing that punitive damages are not  
4 available under the ADA and unavailable against municipalities under the FHA. (Dkt. No. 34 at  
5 1.) The Court agrees with the Defendant and finds that punitive damages are not available for the  
6 reasons stated below.

## 7 **II. DISCUSSION**

8 Pursuant to Rule 56 of the Federal Rules of Civil Procedure, “[t]he court shall grant  
9 summary judgment if the movant shows that there is no genuine dispute as to any material fact  
10 and the movant is entitled to judgment as a matter of law.” FED. R. CIV. P. 56(a). Ultimately,  
11 summary judgment is appropriate against a party who “fails to make a showing sufficient to  
12 establish the existence of an element essential to that party’s case, and on which that party will  
13 bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986).

14 In *Barnes v. Gorman*, 536 U.S. 181, 189 (2002), the Supreme Court held that punitive  
15 damages are unavailable under the ADA. Accordingly, Plaintiff’s claim for punitive damages  
16 based on violated of the ADA is dismissed

17 As for punitive damages under FHA, this Court concurs with the Defendant that while  
18 punitive damages are available in some circumstances, they are unavailable here. As a “general  
19 rule,” punitive damages are unavailable against municipalities unless expressly authorized by  
20 statute. *Newport v. Fact Concerts*, 453 U.S. 247, 261–64 (1981). This common law doctrine is  
21 rooted in notions of public policy. *Id.* at 262–63. Punitive damages are not intended to  
22 compensate the injured but to punish the wrongdoer. *Id.* at 266–67. Where municipalities are  
23 concerned, the Supreme Court has stated that they are against public policy because “an award of  
24 punitive damages against a municipality ‘punishes’ only the taxpayers, who took no part in the  
25 [discrimination].” *Id.* at 267.

26 While the FHA authorizes punitive damages in general, it does not expressly authorize

punitive damages against municipalities. 42 U.S.C. § 3613(c). The general authorization of punitive damages in the FHA does not meet the *Fact Concerts*' requirement of an express authorization of punitive damages against municipalities. For this reason, this Court finds that punitive damages are not available against municipalities under the FHA. *See Inland Mediation Bd. v. City of Pomona*, 158 F. Supp. 2d 1120, 1158 (C.D. Cal. 2001) (finding punitive damages unavailable under FHA against municipalities); *Alamar Ranch, LLC v. County of Boise*, 2010 U.S. Dist. LEXIS 40978 (D. Idaho Apr. 27, 2010); *L&F Homes & Dev. v. City of Gulfport*, 2011 U.S. Dist. LEXIS 131976 (S.D. Miss. Nov. 15, 2011).

SHA is a municipal corporation. *See Telford v. Clackamas County Housing Authority*, 710 F.2d 567, 570 (9th Cir. 1983). *See also* Wash. Rev. Code § 35.82.070 ("An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions . . ."). Thus, punitive damages are unavailable under the FHA.

### III. CONCLUSION

For the foregoing reasons, Defendant's motion for partial summary judgment dismissing Plaintiff's claim for punitive damages (Dkt. No. 34) is GRANTED.

DATED this 1st day of October 2013.



John C. Coughenour  
UNITED STATES DISTRICT JUDGE